

3.—He has failed to require Life Insurance companies to file in his office schedules of policies and policy holders of this State.

4.—He is unable to inform citizens of this State the reserve value of their policies in Life Insurance companies.

5.—He requires of insurance companies incomplete annual statements to his department.

6.—He has failed to verify annual statements of regular insurance companies made to his department.

7.—His Annual Department Report, issued for the benefit of the citizens of this State, is incomplete, incorrect, and drawn from incomplete and unverified annual statements of insurance companies.

8.—He has failed to examine, or have examined, insurance companies doing business in this state.

9.—He has no clerk in his office who has had any experience in the details of an efficient insurance department, nor who is qualified to make the expert calculations necessary to the proper administration of the duties thereof.

10.—He has maintained the Insurance Department of Texas on the basis of a mere tax assessor's and collector's office, precisely the functions it performed when kept in the office of the comptroller of public accounts, and failed to put into force and effect the many higher and more important purposes for which it was especially created by the constitution, which elevated it to the dignity of a State Department and intended that it should not be excelled by any like department of any other State of the Union.

A. R. ROBERTS.

Senator Ingram moved to reconsider the motion adopting the resolution authorizing the president to discharge five of the committee clerks, adopted Saturday, and that his motion be spread upon the Journal.

Senator Pope moved that the senate do now go into executive session, which prevailed by the following vote:

#### YEAS—17.

Clark,	Lubbock,
Clemens,	McKinney,
Carter,	Mott,
Finch,	Page,
Frank,	Pope,
Glasscock,	Searcy,
Garwood,	Stephens,
Ingram,	Weisiger,
Johnson	

#### NAYS—10

Burney,	O'Neal,
Cranford,	Potter,
Harrison,	Seale,
Kearby,	Sims,
Kimbrough,	Townsend.

The Senate went into executive session to confirm the appointments of the Governor.

\* \* \* \* \*

#### IN SENATE.

The confirmations of the executive session are as follows:

The Hon. Edwin Hobby of Polk county.

The Hon. W. E. Collard of Robertson county.

The Hon. B. D. Tarleton of Hill county.

The Hon. C. C. Garrett of Washington county.

The Hon. D. P. Marr of Frio county.

The Hon. H. C. Fisher of Tom Green county.

To be Judges of the Commission of Appeals.

On motion of Senator Clemens the Senate adjourned to 9:30 o'clock tomorrow morning.

### FOURTEENTH DAY.

#### SENATE CHAMBER,

TWENTY-SECOND LEGISLATURE,

Austin, Tuesday, March 29, 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

#### PRESENT—29.

Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,
Harrison,	Stephens,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger,
Lubbock,	

Prayer by the chaplain, Dr. Smoot.  
Pending reading of the Journal on motion of Senator Glasscock further reading was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Lubbock:

Memorial from the Commercial Club of the city of Houston asking for location of one of the courts of civil appeal. Read first time and referred to Judiciary committee No. 1.

Also a memorial from Houston Cotton Exchange and Board of Trade to the same effect. Read and referred to Judiciary committee No. 1.

Also memorial from Houston city council to same effect.

Read and referred to Judiciary committee No. 1.

The following message was received from His Excellency, Governor Hogg: To the Senate of the State of Texas.

I herewith submit for your action the following appointments made by me since the adjournment of the last regular session of the legislature, and respectfully ask their confirmation by your honorable body, to wit: John H. Reagan of Anderson county, L. L. Foster of Limestone county, W. P. McLean of Titus county, railroad commissioners of the State of Texas.  
Respectfully, J. S. Hogg,

Governor.

The following reports were presented from their respective committees:

COMMITTEE ROOM.  
Austin, March, 1892. }

Hon. George C. Pendleton, President of the Senate,

Sir—Your Judiciary Committee No. 1, to whom was referred,

Senate bill No. 30, being "a bill to be entitled an Act to amend title LXX of the Revised statutes by adding article 3495a, providing the rate of interest to be charged by pawn brokers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Pope, Chairman.

COMMITTEE ROOM,  
Austin, March 29, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 31, being a bill to be entitled "An act to reorganize the 39th, 46th, 47th and 50th judicial districts, and to create the 53d judicial district of the State of Texas; to fix the time for holding courts therein; to provide for the appointment and election of a

district judge and a district attorney in the 53d judicial district, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Townsend, Chairman.

COMMITTEE ROOM,  
Austin, March 29, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Apportionment and Representation, to whom was referred

Senate bills Nos. 5, 6, 7 and 10, being a bill to be entitled "An act to Apportion the State of Texas into Congressional districts,

Have had the same under consideration and I am instructed to report the same back to the Senate, with the recommendation that the substitute Senate bill accompanying this report do pass.

Crawford, Chairman.

The substitute bill is as follows:

A bill to be entitled "An Act to apportion the State of Texas into Congressional District."

Section 1. Be it enacted by the Legislature of the State of Texas, that until otherwise provided by law the State of Texas shall be apportioned into the following Congressional Districts, each of which shall be entitled to elect one member to the Congress of the United States,

Section 2. The following counties shall compose the first district, to-wit: Freestone, Lean, Madison, Trinity, Walker, Grimes, Montgomery, Waller, Harris and Chambers.

Section 3. The following counties shall compose the second district, to-wit:

Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler, Polk, San Jacinto, Angelina, Nacogdoches, San Augustine, Sabine, Shelby, Panola and Harrison.

Section 4. The following counties shall compose the third district, to-wit:

Hunt, Rockwall, Kaufman, Raines, Van Zandt, Wood, Smith, Upshur, Gregg, Rusk and Camp.

Section 5. The following counties shall compose the fourth district, to-wit:

Hopkins, Franklin, Titus, Morris, Bowie, Cass, Marion, Red River, Delta and Lamar.

Section 6. The following counties shall compose the fifth district, to-wit:

Fannin, Grayson, Collin, Cooke, Denton and Montague.

Section 7. The following counties shall compose the sixth district, to-wit: Dallas, Ellis, Navarro, Hill, Bosque and Johnson.

Section 8. The following counties shall compose the seventh district, to-wit:

Brazos, Robertson, Limestone, McLennan, Falls, Milam and Bell.

Section 9. The following counties shall compose the eighth district, to-wit:

Parker, Palo Pinto, Stephens, Shackelford, Eastland, Erath, Hood, Somerville, Hamilton, Lampasas, Mills, Coleman, Brown, Runnels and Comanche.

Section 10. The following counties shall compose the Ninth district, to-wit:

Burnet, Williamson, Travis, Lee, Burleson, Bastrop, Caldwell, Comal, Hays and Washington.

Section 11. The following counties shall compose the Tenth district, to-wit:

Gonzales, Fayette, Austin, Colorado, Fort Bend, Galveston, Brazoria, Matagorda, Wharton and Lavaca.

Section 12. The following counties shall compose the Eleventh district, to-wit:

Goliad, Victoria, Calhoun, DeWitt, Jackson, Refugio, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Duval, Webb, Bee, Karnes, Wilson, Guadalupe, Atascosa, McMullen, Frio, LaSalle, Encinal, Dimmitt, Zavalla, Uvalde, Maverick and Kinney.

Section 13. The following counties shall compose the Twelfth district, to-wit:

San Saba, Llano, Blanco, Kendall, Bexar, Medina, Bandera, Kerr, Gillespie, Mason, McCulloch, Concho, Menard, Kimble, Edwards, Sutton, Schleiker, Tom Green, Irion, Sterling, Coke, Glasscock, Midland, Martin, Howard, Ector, Andrews, Crane, Pecos, Buchell, Brewster, Foley, Presidio, Jeff Davis, El Paso, Loving and Reeves.

Section 14. The following counties shall compose the Thirteenth district, to-wit:

Tarrant, Wise, Jack, Clay, Wichita, Archer, Young, Throckmorton, Calhoun, Taylor, Jones, Haskell, Knox, Hardeman, Foard, Greer, Lipscomb, Hemphill, Wheeler, Cullingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Mitchell, Scurry, Kent, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutch-

inson, Carson, Armstrong, Briscoe, Floyd, Crosby, Garza, Borden, Dawson, Lynn, Lubbock, Hale, Swisher, Randall, Potter, Morse, Sherman, Dallam, Hartley, Oldham, Deaf Smith, Castro, Lamb, Hockley, Terry, Gaines, Yoakum, Cochran, Bailey and Parmer.

Section 15. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The following message was received from the House:

House of Representatives, }  
Twenty-Second Legislature, }  
Austin, March 29, 1892.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you that the House has adopted the report of the conference committee on the "free silver resolution."

Respectfully, Geo. W. Finger,  
Chief Clerk House of Representatives.

The Senate then took up the unfinished business, it being

Senate bill No. 22, entitled "An act in reference to holding elections and repeal sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701 and 1702, of the revised civil statutes of the State of Texas, and chapter 112 of the acts of the Legislature, approved April 19, 1879, also chapter 51, acts of the Eighteenth Legislature; also chapter 31 of the laws of 1887."

Approved March 14, 1887.

(On second reading.)

Section 37 read and considered.

Question recurring to amendment to this section offered by Senator Sims and spread upon the Journal of yesterday:

"Amend by striking out all of sections 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51."

And substitute offered by Senator Stephens as follows:

Amend by striking out all of sections 37 to 52 inclusive, and insert in lieu thereof the following:

Section 37. Each candidate for any office in this state shall present his name and the office he is a candidate for to the county clerk of the county of his residence at least thirty days before the date of the election, and such names so furnished shall constitute the official ballot.

Which substitute was amended by Senator Pope as follows:

Strike out the word "county."

Senator Pope withdrew his amendment to the substitute.

Senator Stephens withdrew his substitute to Senator Sims' amendment.

Question recurring to Senator Sims' amendment, it was adopted.

Section 52 read.

Senator Pope offered the following: Strike out section 52, and insert as follows:

"Section 52. Not more than ten days nor less than seven days before the day fixed by law for the election, the clerk of each county shall have printed the ballots for use in their respective counties, upon which shall be placed all the names of candidates for State and district offices, and all the names of candidates for county and precinct offices, if the names of candidates for precinct offices have been furnished him, and deliver the ballots securely wrapped and tied in packages, one package for each voting precinct, to the sheriff of the county, who shall either in person or by his deputies distribute the same to the proper person as provided herein."

Adopted.

Section 53 read.

Senator Pope offered the following: "Add to section 53 the following: Any candidate for office shall have the right to have his name printed on the official ballot, by presenting the same to the county clerk at least two days before the printing of the ballots is required to be done, and any candidate may at his own expense have a ballot printed exactly in every respect similar to the official ballot prepared by the county clerk, which said ballots shall be delivered to the sheriff at the same time as the official ballots are required to be delivered to him for distribution to the various election precincts in the county; provided, however, that all ballots printed by any candidate at his own expense shall have the names of all candidates which are upon the ballot provided by the county clerk."

Adopted.

Senator Glasscock offered the following:

Amend section 53 by inserting after the word county on line 5, printed bill, the following words: "Said ballot shall contain the names of all the candidates for each office."

Withdrawn.

Section 54 read and passed.

Section 55 read.

Senator Pope offered the following: Strike out the following: All of lines 6 and 7 except the word "and" in line

7; all of lines 12 and 13, and from the word "as" in line 17 down to and including the word "office" in line 19, and all of line 24 except the word "there."

Adopted.

Senator Pope offered the following: Amend section 5 by striking out line 40 and inserting mark or stamp X after the name of the candidate voted for, or the answer you wish to give to the question submitted."

Senator Stephens offered the following substitute:

Amend line 41, in section 55, by striking out the words "and the like."

Senator Pope withdrew his amendment.

Senator Stephens' amendment was adopted.

Senator Pope asked to pass section 55 until he could prepare another amendment.

Section 56 read and passed.

Section 57 read.

Senator Pope offered the following: Amend by striking out sections 57 and 58.

Adopted.

Senator Mott offered the following: Section 56. Strike out the word "white," and insert "official" in lieu thereof.

Adopted.

Section 59 read.

Senator Pope offered the following: Amend by adding to sub-division 6, section 59:

Substitute for sub-division 6, section 59, "A sufficient number of tally sheets and such other needed supplies for the holding of the election."

Adopted.

Senator Pope offered the following: Amend section 59 by striking out sub-division 7.

Adopted.

Sections 60 and 61 considered.

Senator Pope moved to "strike out" sections 60 and 61."

Adopted.

Section 62 read.

Senator Frank offered the following: Amend by striking out in line 15, Section 62 the word "genuine" and insert the word official.

Adopted.

Senator Stephens offered the following:

Amend Section 62 line 18 by striking out the words "printing and".

Adopted.

Section 63 read.

Senator Searcy offered the following: Amend Section 63 by adding "that

the county shall build in each voting precinct in the county, a house for holding the election in, so as to be able to conform to the provisions of this bill."

Withdrawn.  
Section 64 read.

Senator Searcy offered the following:  
Amend section 64 by adding in line 3 after the word "elector," "and other persons."

Adopted.  
Section 65 read.

Senator Pope offered the following:  
Amend line 18, section 65, by striking out three and insert two.

Adopted.

Senator Stephens offered the following:

Amend section 65 by adding thereto the following: "Provided that if any county should fail or refuse to prepare booths or apartments as provided for in this section, then such election shall be held and each voter shall take his vote and retire one half mile from any other person, and make out his ballot and return and vote the same."

Withdrawn.

Senator Pope offered the following:  
Amend section 65 by striking out all of section from the word "when," line 21.

Adopted.

Senator Glasscock offered the following:

Amend section 65 by striking out all after the word "county," in line 3, down to and including the word "ballots," in line 6.

Adopted.

Senator Searcy offered the following:

Amend section 65 by adding in line 10, after the word "type," the words "in German, Spanish, Hebrew, Bohemian and English."

Withdrawn.

(Senator Kearby in the chair.)

Senator Garwood offered the following:

"Provided, that in all cases where the provisions of this bill have not been fully complied with, the election shall nevertheless be held valid, if held in accordance with the election laws now in force."

Senator Pope moved to lay the amendment on the table.

The motion to table prevailed.

Senator Stephens offered the following:

Amend by adding to section 65 the following: The provisions of this bill shall have no force or effect in any

county in this State until the county commissioner's court of such county shall at a regular term of such court pass an order, which shall be duly recorded in the minutes of such court, declaring that all elections thereafter held in such county shall be held under the provisions of this act.

Pending debate on this amendment Senator Frank moved that the pending business be suspended and further action on this bill be postponed until tomorrow morning after the morning call.

Adopted.

Senate bill No. 18. Entitled "An act to divide the State of Texas into three supreme judicial districts, and to provide for and establish a court of civil appeals in each of said districts, and to prescribe the times for holding court in each of said districts."

Came up on second reading.

Senator Garwood asked and obtained unanimous consent to take up the House Concurrent Resolution to pay the expenses of stenographers for services rendered in the International railroad investigation.

Senator Garwood offered the following: Amend by adding to said Resolution "and be it further resolved that the further sum of thirty-nine dollars be appropriated from said fund to reimburse Sergeant-at-arms Henderson for expenses incurred in summoning witness; said account not having been passed upon before the adjournment of the committee."

The amendment was adopted and the resolution, as amended, was passed.

Senator Carter asked and obtained unanimous consent to send up the following resolution:

#### RESOLUTION BY THE SENATE.

Whereas section 12, article 4, of the Constitution of this State provides: Section 12. "All vacancies in State or District offices, except members of the Legislature, shall be filled unless otherwise provided by law by appointment of the Governor, which appointment if made during its session shall be with the advice and consent of two-thirds of Senate present. If made during the recess of the Senate, the said appointee, or some person to fill such vacancy shall be nominated to the Senate during the first ten days of its session; and,

Whereas, during the recess of the Senate the Governor has made various appointments to fill vacancies, and

Whereas, The Governor failed to

nominate the said appointees within the first ten days of the present called session, and

Whereas, There is doubt in the minds of some of the Senators whether the Senate can now consent to such appointments and make them legal; therefore, be it

Resolved, By the Senate of the State of Texas, that Judiciary committee No. 1 be requested to immediately investigate this matter and report back to the Senate their conclusions upon the matter with such suggestions and recommendations as they may see fit.

Read and referred to Judiciary committee No. 1, with instructions to report in accordance with the resolution.

Pending business being the consideration of Senate bill No. 18, the Committee Substitute bill was read. (This substitute leaves blank the places for holding said courts and the counties embraced in each district.)

Senator Townsend offered the following:

"Amend by inserting 'Galveston' in first blank in bill."

Senator Johnson moved that the bill and substitute be re-committed and the committee be instructed to divide the State into three Judicial districts, and to define the limits of these districts.

(Gov. Pendleton in the chair.)

Question being on the motion of Senator Johnson, it was lost by the following vote:

#### YEAS—13

Clemens,	Kearby,
Cranford,	Lubbock,
Finch,	O'Neal,
Frank,	Pope,
Glasscock,	Sims,
Ingram,	Weisiger.
Johnson,	

#### NAYS—16.

Atlee,	Potter,
Burney,	Page,
Clark,	Seale,
Carter,	Searcy,
Garwood,	Simkins,
Kimbrough,	Stephens,
McKinney,	Tyler,
Mott,	Townsend.

Question being on the adoption of the substitute bill was reported.

Senator Burney made the point of order that the committee report could not be amended until it had been re-acted on, which was sustained by the chair, the chair ruling further that if the report of the committee was rejected the original bill would come up for consideration.

Senator Garwood offered the following amendment, which was ordered read.

Resolved, That section 2, 3 and 4 be filled as follows: The secretary shall call the roll of the Senate and each senator, as his name is called, shall vote for three places, and the place receiving the largest vote for each supreme court shall be inserted in the respective sections.

The question being on the adoption of the committee substitute, it was adopted by the following vote:

#### YEAS—20.

Atlee,	Mott,
Burney,	O'Neal,
Clark,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Searcy,
Garwood,	Simkins,
Harrison,	Stephens,
Kimbrough,	Tyler,
McKinney	Townsend.

#### NAYS—10.

Clemens,	Kearby,
Frank,	Lubbock,
Glasscock,	Seale,
Ingram,	Sims,
Johnson,	Weisiger.

Senator Seale offered the following amendment to the Resolution of Senator Garwood which was accepted by the latter:

"Where there are more than two places voted for under any one section of the bill, the place receiving the lowest number of votes shall be dropped, and a vote taken until some one place shall receive a majority of the votes of the Senate."

The chair ruled that the Resolution by Senator Garwood amended by Senator Seale was out of order.

Senator Simkins respectfully appealed from the decision of the chair.

The question being whether the decision of the Chair shall be sustained it was sustained by the following vote

## YEAS—25.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Frank,	Pope,
Glasscock,	Stephens,
Harrison,	Sims.
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

## NAYS—5.

Finch,	Searcy,
Garwood,	Simkins.
Seale,	

Senator Sims moved that the Senate adjourn to tomorrow morning at 10 o'clock.

Lost.

Senator Lubbock offered the following:

Amend by inserting "Houston, in the county of Harris," section 2.

Senator Garwood offered the following:

"Resolved, That the provisions of the Australian ballot bill, known as the Pope bill, shall apply to the selection of the places for the several courts provided for in this bill."

Ruled out of order by the chair.

Senator Clemens stated that he desired to offer a resolution, referring this matter to the committee on Rules

Pending the writing of the resolution the Chair had the following communication read:

INSTITUTE FOR THE BLIND, }  
Austin, Tex., March 25, 1892. }  
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Please invite the members of the Senate and the officers to attend a free concert at the Institution on Tuesday night, the 29th. It is given by the pupils for the benefit of the Legislature.

FRANK RAINEY, Supt.

Senator Pope called up the resolution offered by him yesterday appointing a committee of three to act upon the memorial of A. R. Roberts, praying an investigation of Insurance In-

spector Hollingsworth. When it appeared that Senator Crane, in whose district Mr. Hollingsworth resides, would be unavoidably absent for several days, action was deferred until his return.

Senator Clemens offered the following: Resolved that the committee on rules shall be requested to report a rule under which the vote locating the civil courts of appeal shall be taken.

Pending action on this resolution, on motion of Senator Carter, the Senate adjourned to tomorrow morning at 9:30 o'clock.

## FIFTEENTH DAY.

## SENATE CHAMBER,

TWENTY-SECOND LEGISLATURE, •  
Austin, Wednesday, March 30, 1892.

Senate met pursuant to adjournment.

Lieutenant Pendleton in the chair:

Roll called.

Quorum present.

The following Senators answering to their names:

## PRESENT—30.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,
Harrison,	Stephens,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.

Prayer by Chaplain of the House Dr. Dodge.

Pending reading of the Journal, on motion of Senator Townsend further reading was dispensed with.

The following message was received from the House of Representatives:

House of Representatives, }  
Twenty-Second Legislature, }  
Austin, March 30, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House